

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:19cv254 (WOB)

FIRST FRANCHISE CAPITAL
CORPORATION

PLAINTIFF

VS.

ORDER

PANDYA RESTAURANTS, LLC,
ET AL

DEFENDANTS

This matter is before the Court on the Receiver's Emergency Motion for Order Terminating Receivership and Discharging Receiver and Related Relief (Doc. 44) and Pizza Hut, LLC's Motion to Intervene (Doc. 47).

The Court heard oral argument on these motions on Monday, July 29, 2019. David Hine represented the plaintiff. Tim Hurley and Earl Messer represented the Receiver, George Shoup, who was present along with his colleague Fred Caruso. Bryce Lenox and Mike Whitticar (via phone) represented defendants. Deb Dandeneau and Toby Schisler represented Pizza Hut, LLC. Court reporter Joan Averdick recorded the proceedings.

After further study, the Court concludes that the Receiver's motion is well taken and that, given the termination of funding by plaintiff, the Receiver can no longer perform the duties within the scope of this Court's Appointment Order, and he is entitled to be discharged from such obligations. See Doc. 8 ¶¶ 24, 28).

The Court further finds that Pizza Hut may intervene to pursue whatever interest it holds in this matter.

Therefore, having heard from the parties, and the Court being sufficiently advised,

IT IS ORDERED that:

- (1) The Receiver's Emergency Motion for Order Terminating Receivership and Discharging Receiver and Related Relief (Doc. 44) be, and is hereby, **GRANTED**. The Receiver shall promptly tender a proposed Order to the Court setting forth the relief sought pursuant to this ruling;
- (2) Pizza Hut's Motion to Intervene Doc. 47) be, and is hereby, **GRANTED**; and
- (3) The parties shall confer and file a status report **on or before August 12, 2019** advising the Court on any progress toward resolving the matter and/or a plan for how they intend to proceed.

This 30th day of July 2019.



Signed By:

William O. Bertelsman

WOB

United States District Judge

TIC: 54 min.